

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA,)	CRIMINAL CASE 03-405-A
Plaintiff,)	
)	<u>COUNT ONE:</u> 18 U.S.C. § 371
v.)	(Conspiracy To Obstruct
)	Justice & Witness Tampering)
JOHN VICTOR NOTARIANNI,)	
Defendant.)	<u>COUNT TWO:</u> 18 U.S.C. § 1503
)	(Obstruction Of Justice)
)	
)	<u>COUNT THREE:</u> 18 U.S.C. § 1512
)	(Witness Tampering)
)	
)	Senior Judge Leonard D. Wexler

AUGUST 2003 TERM--AT ALEXANDRIA

INDICTMENT

THE GRAND JURY CHARGES THAT:

General Allegations

1. On March 7, 2003, in Alexandria, Virginia, within the Eastern District of Virginia, the Honorable Leonard D. Wexler, Senior United States District Judge, accepted Kelly Kathleen Latimer's guilty plea to a two-count criminal information, which charged her with one count of conspiracy to distribute cocaine and one count of conspiracy to distribute crack in the case of United States v. Kelly Kathleen Latimer. At the conclusion of the plea hearing, Latimer was placed on bond with specific conditions, including a requirement that she reside at an address approved by the United States Pretrial Services Office ("PTS"),

to wit, at 11250 Chatterly Loop, Apt 203, Manassas, VA 20109, within the Eastern District of Virginia.

2. Contrary to the terms of her bond, Latimer resided up to six to seven days a week at the nearby Manassas residence of JOHN VICTOR NOTARIANNI from March 7, 2003, and continuing through on or about April 9, 2003.

3. On April 8, 2003, a PTS Officer filed a "NOTICE OF APPARENT VIOLATION," which alleged, among other things, that Latimer "has not maintained a residence as directed by pretrial services" and recommended that "a warrant be issued and that [Latimer] be required to show cause why her conditions of release should not be revoked." On or about April 8, 2003, the Court issued a warrant for Latimer's arrest.

4. At approximately 6:30 p.m. on April 9, 2003, Latimer was arrested by special agents of the Federal Bureau of Investigation pursuant to the warrant. Latimer was immediately transported to the Alexandria Detention Center ("jail"), Alexandria, Virginia. Latimer knew that she would have to make an initial appearance in Court at 10:00 a.m. the following day.

5. In anticipation of her Court appearance, Latimer made several telephone calls from the jail during the evening of April 9, 2003, to certain individuals, including, but not limited to, JOHN VICTOR NOTARIANNI as well as her attorney and her husband Merle Snider.

6. The purpose of the calls by Latimer to JOHN VICTOR NOTARIANNI and Snider was, among other things, to have NOTARIANNI prepare a materially false and misleading statement and to present the statement to Snider for his signature the following morning. The statement falsely claimed that Latimer had been residing at her home address as required by her bond conditions. During one of the telephone calls from jail on April 9, Latimer dictated the statement to JOHN VICTOR NOTARIANNI. The statement was designed to corruptly influence the Court proceeding set for the following morning.

7. On April 10, 2003, at his office in Manassas, Virginia, JOHN VICTOR NOTARIANNI prepared, on his office computer, the statement previously discussed with Latimer. The statement was misdated "March 10, 2003" and provided: "Kelly K. Latimer has maintained a residence at 11250 Chatterly Loop, Apt 203, Manassas, VA 20109, and has slept there since then."

8. At approximately 7:45 a.m. on April 10, 2003, JOHN NOTARIANNI met Snider in the parking lot of a school, where Snider's children attended. JOHN VICTOR NOTARIANNI presented the statement to Snider, who immediately signed the statement knowing it was false and misleading. JOHN VICTOR NOTARIANNI acknowledged to Snider that he knew the document signed by Snider was not true.

9. At approximately 8:15 a.m. on April 10, 2003, JOHN

VICTOR NOTARIANNI brought the signed statement to the office of Latimer's attorney with the intention that the statement would be used at the Court proceeding concerning Latimer's bond revocation, which was scheduled to commence at 10:00 a.m. in United States District Court, in Alexandria, Virginia. NOTARIANNI read the statement to Latimer's attorney. Latimer's attorney decided that the statement could not be used in the pending court proceeding. NOTARIANNI ripped up the document.

COUNT ONE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 9 of the General Allegations of this indictment are realleged and incorporated into Count One of the indictment.

2. From on or about April 9, 2003, to April 10, 2003, within the Eastern District of Virginia and elsewhere, the defendant, JOHN VICTOR NOTARIANNI, did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree with Kelly Kathleen Latimer and Merle Snider to commit the following offenses against the United States by:

(a) unlawfully, knowingly, and corruptly endeavoring to influence, obstruct, and impede the due administration of justice, in violation of Title 18, United States Code, Section 1503(a) (obstruction of justice); and

(b) unlawfully, knowingly, and corruptly attempting to

obstruct, influence, and impede an official proceeding in the United States District Court for the Eastern District of Virginia, in violation of Title 18, United States Code, Section 1512(c) (witness tampering).

Overt Acts

In furtherance of the said conspiracy and to effect the objects thereof, the defendant, JOHN VICTOR NOTARIANNI, and his conspirators committed overt acts in the Eastern District of Virginia including, but not limited to, the following:

1. On April 10, 2003, in Manassas, Virginia, at his office, the defendant prepared, on his office computer, a materially false and misleading statement concerning the status of Latimer's residence from March 7, 2003, through April 9, 2003;

2. On April 10, 2003, in Manassas, Virginia, the defendant presented the statement, which he knew to be materially false and misleading, to Merle Snider for his signature; and

3. Each and every overt act described in paragraphs 1 through 9 of the General Allegations of this indictment.

(In violation of Title 18, United States Code, Section 371)

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 9 of the General Allegations of the indictment are realleged and incorporated into Count Two of the indictment.

2. On or about April 10, 2003, within the Eastern District of Virginia, the defendant, JOHN VICTOR NOTARIANNI, did unlawfully, knowingly, and corruptly endeavor to influence, obstruct, and impede the due administration of justice in the United States District Court for the Eastern District of Virginia, to wit, by attempting to present and represent to the United States Pretrial Services Office and the United States District Court, a materially false and misleading statement, which was to be used at a pending contested bond proceeding before the Court to prevent the revocation of Kelly Kathleen Latimer's bond.

(In violation of Title 18, United States Code, Section 1503(a))

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 9 of the General Allegations of the indictment are realleged and incorporated into Count Three of the indictment.

2. On or about April 10, 2003, within the Eastern District of Virginia, the defendant, JOHN VICTOR NOTARIANNI, did unlawfully, knowingly, and corruptly attempt to obstruct, influence, and impede an official proceeding in the United States District Court for the Eastern District of Virginia, to wit, in the case of United States v. Kelly Kathleen Latimer, a hearing scheduled for April 10, 2003, before the Honorable Liam O'Grady, United States Magistrate Judge, in that defendant NOTARIANNI did corruptly persuade and otherwise tamper with witness Merle Snider by preparing a materially false and misleading statement for Snider to sign, which the defendant intended to be used and presented at the above scheduled hearing to prevent the revocation of Latimer's bond, the said statement was misdated "March 10, 2003" and provided: "Kelly K. Latimer has maintained a residence at 11250 Chatterly Loop, Apt 203, Manassas, VA 20109, and has slept there since then."

(In violation of Title 18, United States Code, Section 1512(c))

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

Paul J. McNulty
United States Attorney

Gene Rossi
Assistant U.S. Attorney

Mark D. Lytle
Special Assistant U.S. Attorney